

Washington County Land Use Authority
November 10, 2009
(Recording available)

The Washington County Land Use Authority Meeting was held on Tuesday, November 10, 2009, at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:30 p.m. by Chairman Stucki. Commissioners present: Julie Cropper, Doug Wilson, Kim Ford, Debra Christopher, Joann Balen, and Rick Jones. Also present: Deon Goheen, Planning & Zoning Administrator; Rachelle Ehlert, Deputy Attorney; Kurt Gardner, Building Official; Commissioner Gardner; Todd Edwards, County Engineer; and Darby Klungervik, Planning Secretary.

Absent: Dave Everett

Audience attendance: Brad Hodgins and Edward Staples

Chairman Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

Item # 1. STAFF COMMENTS Review staff comments for each item listed below. Staff initiated.

Item # 2. CONDITIONAL USE PERMIT Request permission on installation and approval of the Crystal Creek pipeline, and distribution on the Kolob Water System for the Washington County Water Conservancy District on Kolob Mountain. Washington County Water Conservancy District/Ronald Thompson, applicant and Alpha Engineering, agent

The Planner informed the commission that the applicant submitted a route plat showing the location of the Crystal Creek pipeline. The project was approved by the Utah State Department of Drinking Water Division and the applicant is in the process of pipeline installation and completion. WCWCD has made commitments for service from the water line and water donated by the LDS church, which serves the girls camp. The existing 500,000 gallon storage tank takes approximately ten (10) days to fill, as reported on by Doug Wilson at the previous meeting. The district has received plan approval to drill Well #2 on Kolob to serve developments and individual water users. Public utilities and transmission lines are conditionally approved within OST-20 and SFR-1- 20 zones. A representative is in attendance to present.

Doug Wilson, representative for WCWCD, stated this project was started many years ago, with the acquisition of water rights. This project has been in the works for approximately nine (9) to ten (10) years. He explained how the Water Conservancy did not realize they needed a conditional use permit until they came in to get an encroachment permit. He said this line will fill Kolob Reservoir and it will yield approximately 3000 acre feet of water. He also noted that Randy Cronk, the county inspector, has attended all of WCWCD meetings.

Todd Edwards, County Engineer, said he did not think they would be able to repair the road before winter and requested the commission grant their permanent status subject to the road being complete.

Mr. Wilson explained how the county now has a sixty six (66) foot dedicated easement. He also agreed with Mr. Edwards that it is possible that they may not complete the road repairs before winter and thought it would be wise to make that a condition of the permanent status.

Facts/Findings:

- Allows the county to conserve water
- The use improves the access road and provides the county with an easement that it did not previously have
- It is in compliance with the master plan of the WCWCD to supply water to the county
- The project was approved by all state agencies

Motion was made by Commissioner Cropper to recommend approval on a permanent basis for the Crystal Creek pipeline, based on the facts and findings, subject to the road repairs being completed. Commissioner Christopher seconded the motion. Five (5) commissioners voted aye.

Item # 3. CONDITIONAL USE PERMIT Request permission to develop grounds for a family cemetery on a residential lot within the Staples PD zone, generally located 2 miles northeast of Virgin Town limits. Edward Staples, applicant

The Planner informed the commission it will need to determine whether cemeteries should be included as conditional uses within the PD-zone. Staff feels that it is the local residents that utilize cemeteries, so the use should be made available in unincorporated areas if there is a designated person or group for management of the cemetery. As previously researched under applicable law, the right to regulate cemeteries in a county is delegated to the counties. There are state statutes that regulate endowment cemeteries (essentially cemeteries that are run on a commercial basis), but nothing that covers private cemeteries. Presently, cemeteries are conditionally approved only within the OST-20 zone, but it would have to be determined as a Conditional Use within a PD zone. The State Code suggests that entities should no longer use the “catch-all” phrase...“Other uses similar to the above conditional uses...”to approve conditional uses. Findings will need to be made on this item. The applicant has already used one plot for his wife who passed away last year. There would be enough area to layout up to 30 plots on one residential lot and the remainder of the parcel would be used to construct a garage/workshop. There should be no problem in approving this request.

Mr. Staples informed the staff that all the subdivision lots are occupied by his children and they are all built upon except lot five (5) and lot one (1), where he is proposing the cemetery. He said the cemetery is about 2000 square feet and he would like to build a garage (approximately forty (40) feet x fifty (50) feet) in the future. He described the lots as 1/4 acre to 1/3 acre. He did not want to dedicate all of lot one (1) to the cemetery, but would do so if necessary. Mr. Staples explained he was not aware he had to go through this process prior to creating the cemetery.

The commission and staff discussed whether this could be reviewed as a conditional use permit because typically PD zones do not have conditional uses. The Deputy Attorney explained this

would probably not be a conditional use rather a plan review or it could require a PD amendment. The commission thought there may be a state registry for cemeteries. The commission decided it needed more time to decide how this should be approached.

Motion was made by Commissioner Wilson to table the item for further review by staff. Commissioner Balen seconded the motion. Six (6) commissioners voted aye.

Item # 4. CONDITIONAL USE PERMIT Request permission for kenneling up to 10 dogs for Sage Rescue Services, Inc. in the Enterprise valley, generally located east of Phillip Ranch Subdivision, Phase II. Brad Hodgins, Carol Ann Ruge, and Steven Strand, applicants

The Planner explained how the applicants would like to provide kenneling for up to ten (10) dogs or cats as a rescue service. Kennels are approved conditionally within the Agricultural (A-20 & 10 Districts) zone. The entire 20 acres is fully fenced and dog proofed, with an additional 80' x 130' fenced enclosure that will have two (2) dog houses. The applicant indicates that the dogs do not sit and bark all day because they are not caged and get lots of love and attention. They actively find homes for the animals. In the winter, dogs are kept in heated, dry enclosures, and always have access to outdoors via dog doors in the shelter.

Brad Hodgins, applicant, said they want to keep a good rapport with Washington County because they had previously got into some trouble with Iron County for having too many dogs. He stated they are a non-profit organization and they rescue animals. He and his wife love animals and like to help them as much as they can. He said the last dog they took in had been on a chain for four years and had to be taken to a vet to remove his collar. He explained Enterprise does not have an animal shelter, so there is no place to take animals in the area. Mr. Hodgins noted they work closely with Best Friends and currently have two foster dogs from there. They try to find homes for the animals, but often they keep them until they pass on.

Facts/findings:

- Enterprise does not have a shelter
- Complies with county ordinance
- Complies with zoning within the A-20 zone

Motion was made by Commissioner Christopher to recommend approval for a kennel to allow Sage Rescue Services, Inc to have ten dogs and ten cats based on the facts and findings, for a period of one (1) year. Commissioner Balen seconded the motion. Six (6) commissioners voted aye.

Item # 5. CONDITIONAL USE PERMIT Request permission to operate ATV tours, horseback riding, buggy rides, and future fishing pond, retail and limited food sales during scheduled events on 200 acres of private land in the Canaan Gap area. Boulder Mountain Group, applicants.

The applicant was not present.

Motion was made by Commissioner Christopher to table the item. Commissioner Balen seconded the motion. Six (6) commissioners voted aye.

Item # 6. ROAD DEDICATION AMENDED Consider approval of an amended road dedication plats for Airport Parkway and Desert Canyons Parkway, located in Sections 23 & 26, T43S, R15W, SLB&M, County unincorporated. St. George City, applicant

The Planner noted once again, another street review, whereas, in November of 2007, the Boundary Commission held hearings on a protest made by St. George City on the Peterson Annexation to Washington City, in the vicinity of the new airport. The boundaries between the two communities were resolved and both agreed to also clear up a portion of the County island created between the two cities. Well, two (2) years later, and the annexation plat has never been recorded. This plat is a continuation of a St. George City street, which extends into the County's jurisdiction. The Airport Parkway roadway dedication is being amended because it was previously recorded with the City of St. George and Desert Canyons Parkway is shown as an easement as per previous agreements. These two roads are platted as 90' right-of-ways. The City Engineer delivered this plat to the Planning Office for your review. It seems to be a housekeeping item between two jurisdictions.

Todd Edwards, County Engineer, informed the commission that this road dedication is similar to another road dedication plat the County had for Banded Hills drive approximately six months ago. He said St. George mistakenly recorded it with only the city's approval because most of the property has already been annexed into the city with the exception of a small portion which still lies in the County. St. George City will be dedicating it to the County, but as soon as it is annexed it will go back to St. George City. If the annexation was complete, they would not have to go through this process.

Motion was made by Commissioner Balen to recommend accepting the road dedication. Commissioner Christopher seconded the motion. Six (6) commissioners voted aye.

Item # 7. STAFF DECISIONS Review of decisions from the Land Use Authority Staff Meeting held on November 3, 2009. County initiated.

The staff meeting convened at 9:00 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District Manager; and Tina Esplin, Washington County Water Conservancy District.

Excused: Ron Whitehead, Public Works Director; Kurt Gardner, Building Official and Robert Beers, Southwest Utah Public Health Department

CONDITIONAL USE PERMIT EXTENSION:

A. Review a permit to build a 2nd dwelling (casita) for seasonal use for a family member within the RA-5 zone, Kolob Mountain Ranch - Phase 6C, lot 277. Bob Anderson, applicant

The Planner said this is 2nd review for a possible extension and 2nd dwellings for a family member are conditionally approved within the RA-5 zone. The applicant previously met the requirements for the use permit by submitting a site plan, septic permit from the Southwest Utah Public Health Department and a letter from the Mountain Springs Water Company allowing for a

water connection. The property is accessed from Escalante's Path and Eagle's Way and the plan met all 25' setback requirements. Final occupancy was granted on April 13, 2009 and the inspection was made by Building Inspector Henry Brannon. **The staff reviewed the Conditional Use Permit granting approval based on permanent status.**

Item # 8. MINUTES Consider approval of the minutes of the regular planning commission meetings held on October 13 and 27, 2009.

The Deputy Attorney pointed out one grammatical error in the October 13, 2009 minutes.

Motion was made by Commissioner Ford to accept the minutes from October 13, 2009 with the suggested correction. Commissioner Cropper seconded the motion. Six (6) commissioners voted aye.

Motion was made by Commissioner Ford to approve the minutes from October 27, 2009 as written. Commissioner Cropper seconded the motion. Six (6) commissioners voted aye.

Item # 9. COUNTY COMMISSION ACTION REVIEW Review action taken by the County Commission on Planning Items. County initiated

The Planner said no action was taken by the County Commission on Planning Items and she also informed the commission that from here on out Planning Items will not go before the County Commission for three weeks.

Item # 10. COMMISSION & STAFF REPORTS: General reporting on various topics. County initiated

There being no further business at 3:00 p.m., Chairman Stucki adjourned the meeting.

Darby Klungervik, Planning Secretary
